

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

**MAR 20 2020**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

UNITED STATES OF AMERICA,

CR 19-15-M-DWM

Plaintiff,

vs.

ORDER

CARLY DEANN HALCRO,

Defendant.

On March 5, 2020, Defendant Carly Deann Halcro was sentenced to a custodial imprisonment term of 12 months and one day. (Doc. 43.) She was permitted to self-report. (*Id.*) She now seeks release pending appeal, citing the current COVID-19 public health crisis. (Doc. 48.) Halcro's motion is denied.

Pursuant to 18 U.S.C. § 3143(b)(1), detention is appropriate pending appeal unless the Court finds: (A) by clear and convincing evidence that the defendant is not likely to flee or pose a danger to the safety of any other person or community if released under conditions, and (B) the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in (i) reversal, (ii) an order for new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time

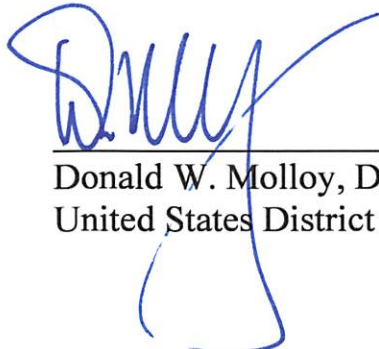
already served plus the expected duration of the appeal process. *See also United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985).

As to the first part of the § 3143 inquiry, clear and convincing evidence supports the conclusion that Halcro is not likely to flee or pose a danger to others. She lives with her sister in Kalispell and successfully did so prior to her sentencing. As a result, Halcro was permitted to self-report.

The second part of the § 3143 inquiry is a closer question. Though it does not appear that the appeal is for the purpose of delay, Halcro fails to raise a substantial question of law or fact regarding her sentence. Counsel did, in fact, raise the COVID-19 issue at sentencing and that argument was considered by the Court. Moreover, as recognized by Halcro, the Bureau of Prisons has adopted a quarantine procedure to process new inmates.

Accordingly, IT IS ORDERED that Halcro's motion (Doc. 48) is DENIED. She is required to report as directed.

DATED this 20<sup>th</sup> day of March, 2020.

  
Donald W. Molloy, District Judge  
United States District Court  
11:02 AM.